

Senate Bill 138

By: Senators Harp of the 29th, Stoner of the 6th, Adelman of the 42nd, Bulloch of the 11th, Fort of the 39th and others

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide that in each county or municipality in which package sales of certain alcoholic beverages by retailers are lawful, the governing authority of the county or municipality, as appropriate, may authorize package sales by a retailer of such alcoholic beverages on Sundays beginning at 12:00 Noon, if approved by referendum; to provide procedures; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local authorization and regulation of sales of alcoholic beverages on Sunday, is amended by adding new subsections to read as follows:

"(p)(1) Notwithstanding any other provision of law, in each county or municipality in which package sales of malt beverages and wine by retailers are lawful, the governing authority of the county or municipality, as appropriate, may authorize package sales by retailers of malt beverages and wine on Sundays beginning at 12:00 Noon, if such Sunday sales of malt beverages and wine are approved by referendum as provided in paragraph (2) of this subsection. Nothing in this subsection shall prohibit the governing authority of the county or municipality in which the package sales of malt beverages, wine, and distilled spirits are all lawful from seeking authorization using the method provided for in this subsection to permit and regulate package sales by retailers of only malt beverages and wine on Sundays beginning at 12:00 Noon.

(2) Any governing authority desiring to permit and regulate package sales by retailers of malt beverages and wine on Sunday beginning at 12:00 Noon, pursuant to paragraph (1) of this subsection, shall so provide by proper resolution or ordinance. Upon receipt

1 of the resolution or ordinance, the election superintendent shall issue the call for an
2 election for the purpose of submitting the question of Sunday package sales by retailers
3 of both malt beverages and wine to the electors of that county or municipality for
4 approval or rejection. The election superintendent shall issue the call and shall conduct
5 the election on a date and in the manner authorized under Code Section 21-2-540. The
6 election superintendent shall cause the date and purpose of the election to be published
7 once a week for two weeks immediately preceding the date of the election in the official
8 organ of the county. The ballot shall have written or printed thereon the words:

9 '() YES Shall the governing authority of (name of county or municipality) be
10 authorized to permit and regulate package sales by retailers of malt
11 () NO beverages and wine on Sundays beginning at 12:00 Noon?'

12 All persons desiring to vote for approval of package sales by retailers of malt beverages
13 and wine on Sundays beginning at 12:00 Noon shall vote 'Yes,' and all persons desiring
14 to vote for rejection of package sales by retailers of malt beverages and wine on Sundays
15 beginning at 12:00 Noon shall vote 'No.' If more than one-half of the votes cast on the
16 question are for approval of Sunday package sales by retailers of malt beverages and wine
17 on Sundays beginning at 12:00 Noon, the resolution or ordinance approving such Sunday
18 package sales by retailers of malt beverages and wine shall become effective upon the
19 date so specified in that resolution or ordinance. The expense of the election shall be
20 borne by the county or municipality in which the election is held. The election
21 superintendent shall canvass the returns, declare the result of the election, and certify the
22 result to the Secretary of State.

23 (3) Whenever package sales of malt beverages and wine on Sundays beginning at 12:00
24 Noon are authorized by a county or municipality pursuant to this subsection, Sunday
25 package sales by retailers of malt beverages and wine beginning at 12:00 Noon may be
26 made only by licensed retailers, licensed to sell by the package.

27 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu
28 of any other provisions of this title relative to the sale of malt beverages and wine by
29 retailers.

30 (q)(1) Notwithstanding any other provision of law, in each county or municipality in
31 which package sales of malt beverages, wine, and distilled spirits by retailers are all
32 lawful, the governing authority of the county or municipality, as appropriate, may
33 authorize package sales by retailers of malt beverages, wine, and distilled spirits on
34 Sundays beginning at 12:00 Noon, if such Sunday sales of malt beverages, wine, and
35 distilled spirits are approved by referendum as provided in paragraph (2) of this
36 subsection.

(2) Any governing authority desiring to permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sunday beginning at 12:00 Noon, pursuant to paragraph (1) of this subsection, shall so provide by proper resolution or ordinance. Upon receipt of the resolution or ordinance, the election superintendent shall issue the call for an election for the purpose of submitting the question of Sunday package sales by retailers of malt beverages, wine, and distilled spirits to the electors of that county or municipality for approval or rejection. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date of the election in the official organ of the county. The ballot shall have written or printed thereon the words:

'() YES Shall the governing authority of (name of county or municipality) be authorized to permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sundays beginning at 12:00 Noon?'
() NO

All persons desiring to vote for approval of package sales by retailers of malt beverages, wine, and distilled spirits on Sundays beginning at 12:00 Noon shall vote 'Yes,' and all persons desiring to vote for rejection of package sales by retailers of malt beverages, wine, and distilled spirits on Sundays beginning at 12:00 Noon shall vote 'No.' If more than one-half of the votes cast on the question are for approval of Sunday package sales by retailers of malt beverages, wine, and distilled spirits on Sundays beginning at 12:00 Noon, the resolution or ordinance approving such Sunday package sales by retailers of malt beverages, wine, and distilled spirits beginning at 12:00 Noon shall become effective upon the date so specified in that resolution or ordinance. The expense of the election shall be borne by the county or municipality in which the election is held. The election superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State.

(3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays beginning at 12:00 Noon are authorized by a county or municipality pursuant to this subsection, Sunday package sales by retailers of malt beverages, wine, and distilled spirits beginning at 12:00 Noon may be made only by licensed retailers, licensed to sell by the package.

(4) The provisions of this subsection are in addition to or cumulative of and not in lieu of any other provisions of this title relative to the sale of alcoholic beverages by retailers."

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- SECTION 2.**

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- All laws and parts of laws in conflict with this Act are repealed.